

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHRIS NEWMAN,

Plaintiff,

-against-

ANSWER

07 Civ. 5622 (J. Kram)

METRO-NORTH COMMUTER RAILROAD  
and JONES LANG LaSALLE,

Defendants.

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Defendant, Metro-North Commuter Railroad (hereinafter referred to as “Metro-North”), by its attorney, Richard K. Bernard, Esq., as and for its answer to the complaint of the plaintiff, alleges as follows, upon information and belief:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph(s) 1 and 3 of the complaint.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph(s) 2 of the complaint and refers all questions of law and fact to judge and jury, except admits Metro-North is a corporation duly organized and existing according to law.

3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first paragraph(s) 4 of the complaint and refers all questions of law and fact to judge and jury.

ANSWERING COUNT I

4. Defendant repeats and realleges each and every answer made to paragraph(s) 1 through 4 of plaintiff’s complaint in response to the allegations contained in the second paragraph 4 of the complaint as if more fully set forth herein.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph(s) 5 of the complaint and refers all questions of law and fact to judge and jury, except admit that plaintiff was employed by defendant Metro-North.

6. Denies upon information and belief each of the allegations contained in paragraph(s) 6 of the complaint and refers all questions of law and fact to judge and jury.

7. Denies the allegations contained in paragraph(s) 7, 8, 9 and 10 of the complaint.

#### ANSWERING COUNT II

8. Defendant repeats and realleges each and every answer made to paragraph(s) 1 through 10 of plaintiff's complaint in response to the allegations contained in paragraph 11 of the complaint as if more fully set forth herein.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph(s) 12, 13 and 14 of the complaint.

#### AS AND FOR AN AFFIRMATIVE DEFENSE

10. As and for an affirmative defense, or as a defense in mitigation of damages, the defendant claims that any injuries allegedly sustained by the plaintiff were caused, in whole or in part, by reason of the culpable conduct of the plaintiff.

#### AS AND FOR A CROSS-CLAIM

11. As and for a cross-claim against Jones Lang LaSalle, the defendant, Metro-North alleges that if the plaintiff(s) suffered damages as alleged in the complaint through negligence other than plaintiff's own negligence, said damages were caused in whole or in part, by the negligent acts of omission or commission of the aforementioned defendant.

12. That if the plaintiff(s) should recover judgment against the answering defendant on the basis of apportionment of responsibility for the alleged occurrence, the answering defendant is entitled to indemnification and/or contractual indemnification from, and judgment over against, the aforementioned defendant, Jones Lang LaSalle, for all or any part of the verdict or judgment which the plaintiff may recover.

WHEREFORE, the defendant, Metro-North demands judgment dismissing the complaint, and further demands judgment over and against Jones Lang LaSalle for the amount of any judgment obtained against the answering defendant, or on the basis of apportionment of responsibility in such amounts as a jury or Court may direct, together with costs and disbursements, and expenses of this action, including attorneys' fees.

Dated: New York, New York  
June 28, 2007

RICHARD K. BERNARD  
GENERAL COUNSEL

By: S/  
Ioana Wenchell – IW/4775  
Attorneys for Defendant,  
Metro-North Commuter Railroad  
347 Madison Avenue  
New York, New York 10017  
212-340-2203

TO: Michael H. Zhu, Esq.  
Attorney for Plaintiff  
14 Wall Street, 22<sup>nd</sup> Floor  
New York, New York 10005  
212-227-2245 – MHZ/7500

STATE OF NEW YORK :  
:ss:  
COUNTY OF NEW YORK:

LAURA MATTHEWS, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in the Bronx, New York.

On June 29, 2007, I served a true copy of the annexed Answer and Rule 7.1 Statement, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

TO: Michael H. Zhu, Esq.  
Attorney for Plaintiff  
14 Wall Street, 22<sup>nd</sup> Floor  
New York, New York 10005  
212-227-2245

S/  
LAURA MATTHEWS

Sworn to before me this  
29 day of June, 2007

S/  
NOTARY PUBLIC

Newman,Chris

STATE OF NEW YORK :  
:ss:  
COUNTY OF NEW YORK:

LAURA MATTHEWS, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in the Bronx, New York.

On June 29, 2007, I served a true copy of the annexed Answer and Rule 7.1 Statement, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

TO: Michael H. Zhu, Esq.  
Attorney for Plaintiff  
14 Wall Street, 22<sup>nd</sup> Floor  
New York, New York 10005  
212-227-2245

Jones Lang LaSalle  
25 Vanderbilt Avenue, Hall 1-A  
New York, New York 10017

S/  
LAURA MATTHEWS

Sworn to before me this  
29 day of June, 2007

S/  
NOTARY PUBLIC

Newman,Chris